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# HOUSE BILL No. 1237

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-21-2-17.

**Synopsis:** Hospital charges for medical errors. Provides that a hospital may not knowingly collect or attempt to collect from a patient under certain conditions the payment of a charge for medical services or products that are required as the result of a medical error or event.

**Effective:** July 1, 2009.

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### Summers

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January 12, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1237

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 16-21-2-17 IS ADDED TO THE INDIANA CODE  
2       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3       1, 2009]: **Sec. 17. (a) As used in this section, "harm" means the**  
4       **temporary or permanent impairment of a body function or**  
5       **structure that requires additional intervention for the patient,**  
6       **including an increase in monitoring of the patient's condition, a**  
7       **change in therapy, or active medical or surgical treatment.**

8       **(b) A hospital may not knowingly collect or attempt to collect**  
9       **from a patient, the patient's estate, or the patient's family the**  
10       **payment of a charge for medical services or products that are**  
11       **required as the result of a medical error or event if:**

12               **(1) the medical error or event resulted in significant harm or**  
13               **death to the patient;**

14               **(2) the medical error or event occurred in the hospital; and**

15               **(3) the medical error or event occurred as the result of the**  
16               **negligence or lack of reasonable care by:**

17                       **(A) the hospital;**



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- 1 (B) an agent, a servant, or an employee of the hospital;
- 2 (C) an independent contractor working on behalf of the
- 3 hospital; or
- 4 (D) a physician or other health care provider who has
- 5 privileges to perform medical services at the hospital.

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